IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 2271 of 2006(U)

PETITIONER:

KASARAGOD MERCHANTS AND INDUSTRIALISTS ASSOCIATION, M.G. ROAD, KASARAGOD, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.D.KRISHNA PRASAD
SRI.D.NARENDRANATH
SRI.M.HARISHARMA
SRI.T.P.ELDHOSE
SMT.O.K.SANTHA

RESPONDENTS:

K.B. SADANANDA, S/O. K.B. KITTU, K.B.K. VEGITABLES, VYAPARA BHAVAN, KASARAGOD POST, KASARAGOD TALUK.

BY ADV. SRI.T.B.SHAJIMON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 2271/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION IN RCP NO. 15/03 DT. 31/07/03 ON THE FILE OF THE RENT CONTROL COURT, KASARAGOD.

EXT.P2. COPY OF THE ORDER DT. 2/6/04 IN IA NO. 121/04 IN RCA NO. 19/04 ON THE FILE OF THE RENT CONTROL APPELLATE AUTHORITY, KASARAGOD.

EXT.P3. COPY OF THE JUDGMENT DT. 6/10/05 IN WPC NO. 6071/05 OF THIS COURT.

EXT.P4. COPY OF THE WP NO. 6071/05 DT. 21/2/05 FILED BY THE PETITIONER BEFORE THIS COURT.

EXT.P5. COPY OF THE STATEMENT DTD. 24/10/2004 FILED BY THE PETITIONER IN RCA NO. 19/04 BEFORE THE RCA AUTHORITY, KASARAGOD.

EXT.P6. COPY OF THE STATEMETN DT. 24/10/05 FILED BY THE RESPONDENT IN RCA NO. 19/04 BEFORE THE RCA AUTHORITY, KASARAGOD.

EXT.P7. COPY OF THE ORDER IN IA NO. 121/04 IN RCA NO. 19/04 DT. 24/10/2005 ON THE FILE OF THE RCA AUTHORITY, KASARAGOD.

EXT.P8. COPY OF THE COUNTER STATEMENT BY THE PETITIONER IN RCP NO. 15/03 ON THE FILE OF THE RENT CONTROL COURT, KASARAGOD.

EXT.P9. COPY OF THE OTICE DT. 20/5/02 BY THE PETITIONER'S ADVOCATE TO THE RESPONDENT'S ADVOCATE.

EXT.P10. COPY OF THE LETTER DT. 7/2/2003 BY THE RESPONDENT TO THE PETITIONER

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 2271 OF 2006-U

Dated 20th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

We heard both sides. They jointly submitted that the tenant has agreed to deposit the admitted amount of arrears before the appellate court within a reasonable time limit from today. On deposit of the amount the appellate authority may be directed to dispose of the appeal at the earliest, they pray.

2. We dispose of the writ petition in terms of the above submission. The respondent tenant shall deposit the entire admitted arrears of rent up to 31.8.2007 within two months from today before the appellate authority. The appellate authority shall endeavour to dispose of the appeal expeditiously. While paying the amount the respondent shall file a statement concerning the computation of admitted arrears paid by him. If there is any dispute between the parties regarding the amount, the appellate

authority will be competent to take a decision on it.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/